IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Bail Appl..No. 203 of 2007()

Crime No.712/06 of Perumbavoor Police Station

: PETITIONERS/ACCUSED:

---

1. KALANJI BAHERA @ KALIYA,
   S/O.BELRAM, ORHOUL VILLAGE,
   KENDRAPADACK DISTRICT, ORISSA STATE.

2. DASARATH @ PAPPU,
   S/O.BELRAM, PATHRAPURUPURAM VILLAGE,
   BADRA DISTRICT, ORISSA STATE.

3. PRADEEP, S/O.ABHIMANYU,
   VENPADA VILLAGE, JOSEPUR DISTRICT,
   ORISSA STATE.

BY ADV. SRI.C.S.MANU
SRI.ANOOP.V.NAIR

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBILC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

==========

B.A.No. 203 of 2007

==========

Dated this the 15th day of January, 2007.

ORDER

Petitioners, who are accused Nos. 2,3 and 4 in Crime No.712 of 2006 of Perumbavoor Police Station for offences punishable under Sections 302, 323 and 324 read with Section 34 I.P.C., seek their enlargement on bail. The occurrence took place on 1.10.2006 at 9.45 p.m. The petitioners were arrested on 2.10.2006.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that the final report has not been filed even after 90 days of judicial custody of the petitioners. If so, the petitioners are entitled to be released on bail as of right by virtue of the proviso to Section 167(2) Cr.P.C. The learned counsel for the petitioners submitted that since all the petitioners are from Orissa and employed in the Hindustan Plywood Company at Mudickal, they are unable to get local sureties.

3. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) and on each of them making a cash deposit of Rs.5,000/- (Rupees five thousand only) to the satisfaction of the

J.F.C.M., Perumbavoor and subject to the following conditions:

1. The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

3. The petitioners shall not commit any offence while on bail.

4. The petitioners shall not leave the territorial limits of the J.F.C.M., Perumbavoor until the conclusion of the trial.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

ess 15/1